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10/628,833	07/28/2003	Assaf Silberstein	P-70999-US	5834
49443 7590 09/30/2008 Pearl Cohen Zedek Latzer, LLP 1500 Broadway 12th Floor New York, NY 10036				
EXAMINER				
LONG, PONYA M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/628,833

Applicant(s)

SILBERSTEIN, ASSAF

Examiner

FONYA LONG

Art Unit

3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-46 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 17-46 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This communication is a Final Office Action in response to communications received June 6, 2008. Claims 1-16 have been canceled. Claims 17-46 have been added. Claims 17-46 are currently pending and have been considered below.

Response to Amendment

1. Applicant's amendments to the claims are sufficient to overcome the 112 2nd rejections set forth in the previous office action.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17-21, 27-31, and 37-41 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to neither a "manufacture" nor a "process," but rather embrace or overlap two different statutory classes of invention. The claims are directed to both an apparatus and a method. The claim recites a "**method** comprising in an open-architecture **system**" and "an announcer server". "A claim of this type is precluded by the express language of 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only." See MPEP §2173.05(p) II or *Parte Lyell*, 17 USPQ2d 1548 (B.P.A.I., 1990).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17-20, 27-29, 31, 37-39, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wayne et al. (5,006,983) in view of Watson et al. (US 2006/0287923).

As per Claims 17, 27, and 37, Wayne et al. discloses a method comprising, in an open-architecture system for queue management of customers at an enterprise:

at an automated receptionist, accepting identification information from a plurality of customers waiting in multiple queues, the customers waiting to meet with an agent (Col. 4, Lines 50-63, via receptionist entering information relating to new customers who request to meet with a travel agent via a receptionist workstation);

interacting with a plurality of agents each providing service to a customer via a plurality of agent workstations within an enterprise, the interaction with the agent via a browser on the agent workstation (Col. 5, Lines 12-28, discloses a plurality of agents providing travel services to customers via a plurality of agent workstations);

at an announcer server: automatically calling a customer by activating a unit selected from the group consisting of: a display and a speaker (Col. 6, Lines 47-59, discloses a customer automatically notified when an agent is available to serve him via a pager having sound and display capabilities);

providing customer wait information for each of a plurality of queues (Col. 7, Line 59-Col. 8, Line 5, discloses displaying the customer's expected wait time);

at a central server for the enterprise: communicating via a network with the announcer server, automated receptionist and agent workstations, the communication across the enterprise, in a hardware independent manner (Col. 4, Line 35-Col. 5, Line 56, via a token ring network that connects the agent workstations, receptionist workstations, and link machine (i.e. announcer server) together in order to communicate with each other);

recording information received at the receptionist and the plurality of agent workstations in a database (Col. 5, Lines 29-46, discloses a central data repository comprising a customer database, and an employee database);

notifying a customer via a unit activated by the announcer server that an agent is ready for the customer (Col. 9, Lines 19-30, discloses sending a message to a customer via a pager notifying him to report to the desk number of the agent); and

accepting customer information from the automated receptionist, communicating preexisting customer appointment information to a customer via the receptionist, and if a database indicates a customer owes money to the enterprise, directing the customer to a specific queue (Col. 4, Lines 50-68, discloses a receptionist entering information relating to new customers who request travel services. Col. 2, Lines 29-42, discloses the queues including a group of queues for each service type and the assignment means assign an individual to a queue within the group of queues that corresponds to the service type assigned to that individual).

However, Wayne et al. fails to explicitly disclose a customer who owes money to the enterprise directed to a specific queue; and printing tickets for the customers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a customer who owes money to the enterprise to be placed in a specific queue. It is common in the customer service field to have customers divided by service type such as technical support, acquiring new services, and payment of account balance (i.e. a person who owes money).

Watson et al. discloses a service point management system with the concept of printing tickets for the customers ([0009] discloses a device which allocates a sequential queue number to successive customers and prints out these details on to a ticket which the customer retains).

Therefore, from the teaching of Watson et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the service allocation system of Wayne et al. to include printing tickets for the customers as taught by Watson et al. in order to provide the efficient management of the flow of customers to customer service positions.

As per Claims 18, 28, and 38, Wayne et al. discloses providing personal information to a customer (Col. 8, Lines 6-9, discloses providing the customer with the expected wait time for the customer via a pager).

However, Wayne et al. fails to explicitly disclose the information being provided via a ticket.

Watson et al. discloses a service point management system with the concept of a ticket being provided to customers ([0009] discloses a device which allocates a sequential queue number to successive customers and prints out these details on to a ticket which the customer retains).

Therefore, from the teaching of Watson et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the service allocation system of Wayne et al. to include providing tickets to customers as taught by Watson et al. in order to provide the efficient management of the flow of customers to customer service positions.

As per Claim 19, Wayne et al. discloses the automated receptionist displaying personal information on a screen (Col. 8, Lines 10-39, discloses the reception desk displaying relevant information for the customer to whom the pager is assigned, including transaction type, experience required, and service level).

As per Claims 20, 29, and 39, Wayne et al. discloses a form being filled out based on the customer identification (Col. 6, Line 47-Col. 8, Line 5, discloses an "Issue A Pager" form being filled out by the receptionist, the form including the customer's needs in terms of one of the three transaction types, the appropriate service level for the customer, the amount of experience required by the agent to provide service request by the customer, and the customer's name). However, Wayne et al. fails to explicitly disclose a ticket.

Watson et al. discloses a service point management system with the concept of a ticket ([002] discloses providing a ticket to customers).

Therefore, from the teaching of Watson et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the service allocation system of Wayne et al. to include a ticket as taught by Watson et al. in order to provide the efficient management of the flow of customers to customer service positions.

As per Claims 31 and 41, Wayne et al. discloses accepting at the agent workstation information that a customer was served without being called from a queue and reporting information regarding the serving of the customer to the central server (Col. 10, Lines 4-21, discloses an agent assisting a customer whom has not been paged via if a customer reports to the travel consultant's desk but he was not paged (i.e. called from a queue), the agent can collect the customer's pager and service him if the agent has the appropriate experience).

5. Claims 21, 30, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wayne et al. (5,006,983) in view of Watson et al. (US 2006/0287923) and in further view of Khuc et al. (6,819,759).

The Wayne et al. and Watson et al. combination discloses the claimed invention as applied to Claim 17, above. However, the combination fails to explicitly disclose providing marketing information based on the customer identification.

Khuc et al. discloses a system and method for providing personalized and customized services for customers waiting in queue with the concept of providing marketing information based on the customer identification (Abstract, discloses

providing service information such as advertising messages (i.e. marketing information) based on caller (i.e. customer) data).

Therefore, from the teaching of Khuc et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wayne et al. and Watson et al. combination to include providing marketing information based on the customer identification as taught by Khuc et al. in order to provide cost effective advertising, enhances marketing campaigns targeting customers, improved customer satisfaction, and reduced rates of customers abandoning the queue.

6. Claim 22-25, 32-34, 36, 42-44, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wayne et al. (5,006,983) in view of Bae (6,801,619) and in further view of Watson et al. (US 2006/0287923).

As per Claims 22, 32, and 42, Wayne et al. discloses an open-architecture system for queue management of customers at an enterprise, said system comprising:

an automated receptionist to accept identification information from a plurality of customers waiting in multiple queues, the customers waiting to meet with agents (Col. 4, Lines 50-63, via receptionist entering information relating to new customers who request to meet with a travel agent via a receptionist workstation);

a plurality of agent workstations within an enterprise each to interact with an agent providing a service to a customer (Col. 5, Lines 12-28, discloses a plurality of agents providing travel services to customer via a plurality of agent workstations);

an announcer server to automatically call a customer and to provide customer wait information for each of a plurality of queues, the announcer server for activating a

unit selected from the group consisting of: a display and a speaker (Col. 5, Lines 47-56, discloses a transmitter that is connected to a token ring through a converter and a link machine, wherein the link machine determines when a customer should be paged. The Converter converts paging signal into the format required by transmitters, which then transmits the corresponding message to pagers. Col. 6, Lines 47-59, discloses a customer automatically notified when an agent is available to service him via a pager having sound and display capabilities);

a database to record information received at the receptionist and the plurality of agent workstations (Col. 5m Lines 29-46, discloses a central data repository comprising a customer database, and an employee (i.e. agent) database);

communicate via a network with the announcer server, automated receptionist, and agent workstation, the communication across the enterprise, in a hardware independent manner (Col. 4, Line 35-Col. 5, Line 56, via a token ring network that connects the agent workstations, receptionist workstations, and link machines (i.e. announcer server) together in order to communicate with each other);

accept customer information from the automated receptionist (Col. 4, Lines 50-63, via receptionist entering information relating to new customers who request to meet with a travel agent via a receptionist workstation), communicate preexisting customer appointment information to a customer via the receptionist (Col. 8, Lines 6-9 and Lines 48-57, discloses a receptionist communicating information to a customer), and directing a customer to a specific queue (Col. 2, Lines 29-42, discloses the queues including a group of queues for each service type and the assignment means assign an individual

to a queue within the group of queues that corresponds to the service type assigned to that individual); and

notify a customer via the unit activated by the announcer server than an agent is ready for the customer (Col. 5, Lines 47-56, discloses a transmitter that is connected to a token ring through a converter and a link machine, wherein the link machine determines when a customer should be pages. The Converter converts paging signal into the format required by transmitters, which then transmits the corresponding message to pagers. Col. 6, Lines 47-59, discloses a customer automatically notified when an agent is available to service him via a pager having sound and display capabilities).

However, Wayne et al. fails to explicitly disclose the system being a web-based system comprising of a central server having a web-based server; and printing tickets for the customers.

Bae discloses a system to facilitate remote customer-service with the concept of a web-based system comprising a central server having a web-based server (Abstract, Fig. 1, discloses a system for providing customer service over the Internet via a data network (which requires a server), wherein the system comprises a queue manager).

Therefore, from the teaching of Bae, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the service allocation system of Wayne et al. to include a web-based system as taught by Bae in order to provide a user the ability to operate the system remotely.

Watson et al. discloses a service point management system with the concept of printing tickets for the customers ([0009] discloses a device which allocates a sequential queue number to successive customers and prints out these details onto a ticket which the customer retains).

Therefore, from the teaching of Watson et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wayne et al. and Bae combination to include printing tickets for the customers as taught by Watson et al. in order to provide the efficient management of the flow of customers to customer service positions.

As per Claims 23, 33, and 43, Wayne et al. discloses providing personal information to a customer (Col. 8, Lines 6-9, discloses providing the customer with the expected wait time for the customer via a pager).

However, the Wayne et al. and Bae combination fails to explicitly disclose the information being provided via a ticket.

Watson et al. discloses a service point management system with the concept of a ticket being provided to customers ([0009] discloses a device which allocates a sequential queue number to successive customers and prints out these details on to a ticket which the customer retains).

Therefore, from the teaching of Watson et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wayne et al. and Bae combination to include providing tickets to customers as taught by Watson et

al. in order to provide the efficient management of the flow of customers to customer service positions.

As per Claim 24, Wayne et al. discloses the automated receptionist displaying personal information on a screen (Col. 8, Lines 10-39, discloses the reception desk displaying relevant information for the customer to whom the pager is assigned, including transaction type, experience required, and service level).

As per Claims 25, 34, and 44, Wayne et al. discloses a form being filled out based on the customer identification (Col. 6, Line 47-Col. 8, Line 5, discloses an "Issue A Pager" form being filled out by the receptionist, the form including the customer's needs in terms of one of the three transaction types, the appropriate service level for the customer, the amount of experience required by the agent to provide service request by the customer, and the customer's name). However, the Wayne et al. and Bae combination fails to explicitly disclose a ticket.

Watson et al. discloses a service point management system with the concept of a ticket ([002] discloses providing a ticket to customers).

Therefore, from the teaching of Watson et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Watson et al. and Bae combination in order to provide the efficient management of the flow of customers to customer service positions.

As per Claims 36 and 46, Wayne et al. discloses accepting at the agent workstation information that a customer was served without being called from a queue and reporting information regarding the serving of the customer to the central server

(Col. 10, Lines 4-21, discloses an agent assisting a customer whom has not been paged via if a customer reports to the travel consultant's desk but he was not paged (i.e. called from a queue), the agent can collect the customer's pager and service him if the agent has the appropriate experience).

7. Claim 26, 35, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wayne et al. (5,006,983) in view of Bae (6,801,619) and in further view of Watson et al. (US 2006/0287923) and Khuc et al. (6,819,759).

The Wayne et al., Bae, and Watson et al. combination discloses the claimed invention as applied to Claim 17, above. However, the combination fails to explicitly disclose providing marketing information based on the customer identification.

Khuc et al. discloses a system and method for providing personalized and customized services for customers waiting in queue with the concept of providing marketing information based on the customer identification (Abstract, discloses providing service information such as advertising messages (i.e. marketing information) based on caller (i.e. customer) data).

Therefore, from the teaching of Khuc et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wayne et al., Bae, and Watson et al. combination to include providing marketing information based on the customer identification as taught by Khuc et al. in order to provide cost effective advertising, enhances marketing campaigns targeting customers, improved customer satisfaction, and reduced rates of customers abandoning the queue.

Response to Arguments

8. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Applicant canceled Claims 1-16 originally filed and addressed in the prior Office Action. Applicant added new Claims 17-46, which have been addressed above.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FONYA LONG whose telephone number is (571)270-5096. The examiner can normally be reached on Mon-Thur 7:30am-6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. L./
Examiner, Art Unit 3689

/Janice A. Mooneyham/
Supervisory Patent Examiner, Art Unit 3689